

Application No. 10/029,313

REMARKS

Claims 1-27 are pending.

Claims 1-27 are subject to a restriction-election requirement.

Claims 25 and 26 have been withdrawn.

Claim 27 has been amended.

Claims 28 and 29 have been added.

ELECTION/RESTRICTION

Applicant hereby elects with traverse, prosecution of Groups I, II, and II claims 1-24, drawn to a hole punch for perforating sheets, withdrawal of Groups IV and V, drawn to a process for making a perforation in a sheet and a marking system including a electrophotographic marking device.

The restriction requirement under 35 U.S.C. §121 between the Groups I, II, and III claims 1-24, drawn to a hole punch for perforating sheets, withdrawal of Groups IV and V, drawn to a process for making a perforation in a sheet and a marking system including a electrophotographic marking device is respectfully traversed, particularly since it is believed that these claims are sufficiently related to permit them to be retained in the same application, and an undue burden would not be placed on the Examiner to simultaneously examine and process these claims.

More particularly, the Office Action provides that Groups I-III should be restricted from Group V, claims 26-27, which describe the elements of claim 1 embedded into a marking system. First, the application has been amended to add linking claims 28 and 29. Secondly, Applicant notes that each of the elements of claim 26 are identical to the elements of claim 1. Only the preamble to claim 26 differs from the preamble of claim 1 by adding that the punch apparatus of claim 1 comprises a subsystem of a marking system. The effect, therefore, is that Claim 26

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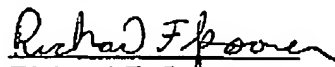
is equivalent to a claim dependent from claim 1 since use in a marking device is a further limitation upon the element of claim 1. Applicant accordingly strongly resists the Restriction Requirement and desires that Claims 26-27, at a minimum be restored and that the proposed amendment in Claim 27 be entered.

Nevertheless, in the event that the Restriction Requirement remains in effect, Applicant confirms the provisional election with traverse of the Groups I, II, and III claims drawn to a hole punch for perforating sheets. The Groups IV and V claims have been withdrawn from further consideration by the Applicants as being directed to a non-elected invention.

The application and claims are believed to be in a condition for allowance in their present form and which allowance is respectfully requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is hereby authorized to call Applicant's Attorney, Richard Spooner, at Telephone Number (585) 423-5324, Rochester, New York.

Respectfully submitted,



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